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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000833

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER  
LONDON FOR C. GURNEY  
PARIS FOR C. NEARY  
NAIROBI FOR T. PFLAUMER

E.O. 12958: DECL: 04/30/2013

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SUBJECT: HARARE MAYOR SUSPENDED

REF: HARARE 77

Classified By: POLITICAL OFFICER KIMBERLY JEMISON FOR REASONS 1.5 (C) A  
ND (D).

#### Summary

1. (C) The suspension of Harare mayor Elias Mudzuri, on April 29 for alleged mismanagement of the city is an effort by the ruling party ZANU-PF to regain control of the capital city. The Minister of Local Government, Public Works, and National Housing, Ignatius Chombo, by applying Section 54 of the Urban Councils Act, seems to be trying to pave the way for Mudzuri's dismissal despite having no legal basis to do so. We are not certain how Mudzuri will react to this attempt--he has been counseled to challenge the suspension in High Court--but in the interim we think that the USG's position should be that Mudzuri remains the legally elected and empowered mayor. End Summary.

#### Minister Suspends Mayor for Mismanagement

2. (U) Following the April 29 Cabinet meeting, Minister of Local Government, Public Works, and National Housing, Ignatius Chombo announced Executive Mayor of Harare Elias Mudzuri's suspension from office pending the results of an investigation for misconduct. The Deputy Mayor, Sekesayi Makwavarara, also MDC is a woman whom Mudzuri has privately characterized as "sharp" in a conversation with the Ambassador, will be acting mayor. The suspension came on the opening day of the Harare International Festival of the Arts and during the visit by the Deputy Mayor of Harare's sister city Munich, who was outraged with the suspension. Since Mudzuri took office in March 2002, ZANU-PF, Chombo has been ZANU-PF's hatchet man in a campaign to discredit the mayor and undermine his influence. The GOZ even went so far as to arrest the mayor, deputy mayor, and several councilors in January for meeting with constituents, in supposed contravention of the Public Order and Security Act. (See Reftel).

3. (U) Chombo told the government-controlled newspaper, Herald that a committee of inquiry would be appointed next week to investigate the allegations and recommend a course of action. Chombo said the committee, unlike a commission, would not run the affairs of the city--leaving the overwhelmingly MDC-dominated council intact to continue governing Harare. Mudzuri told the Ambassador that he urged his councilors not to quit in protest at his suspension. (NOTE: Under the Urban Councils Act, the Minister may appoint a commission to act as council if all the councilors have been suspended or are unable to exercise all or some of their functions. END NOTE.)

4. (U) Chombo claimed that Mudzuri was suspended because of mismanagement of city affairs that has led to a decline in service delivery. In particular, Chombo accuses Mudzuri of:  
--Failing to deliver and publicize a strategic turnaround plan for the city.  
--Arbitrarily suspending key management staff without a staff audit.  
--Abusing his authority by selectively reprimanding employees for misconduct.  
--Encouraging illegal activities within the city through press advertisements, contrary to one of the council mandates to protect the public health of residents.  
--Flouting and ignoring tender procedures to benefit individuals and companies of his choosing. He is also accused of manipulating these procedures in tendering services related to water billing systems, street light fittings, procurement of water treatment chemicals, and refuse collection.  
--Mismanaging public finances by producing partisan documents not in the interest of sound, smooth governance.  
--Encouraging employees to participate in the stayaways in March and April.  
--Failing to sufficiently supply water to the city and satellite towns since September.

#### Measured Response By Party

15. (U) Mudzuri dismissed Chombo's accusations telling the independent newspaper, Daily News, denying that there are suitable grounds for suspension. However he would be willing to submit his performance and continued tenure in office to city residents in a referendum. (NOTE: The Urban Councils Act states that the Minister may suspend a mayor if he is suspected of having been guilty of conduct that renders him unsuitable as a mayor. The same clause states that the President may dismiss a mayor if he is guilty of conduct that makes him unsuitable to be mayor. END NOTE.) Mudzuri claimed that Chombo wants to trigger unnecessary chaos and confusion in the city. At a subsequent dinner with the Ambassador, MDC leader Morgan Tsvangirai told the Ambassador the MDC would not rush into street protests over this issue. He said the MDC would stick to its own timetable. Another dinner guest, former Finance Minister Simba Makoni speculated that this latest development could be part of a move by the &Gang of Four8 (Chombo, Agriculture Minister Joseph Made, Information Minister Jonathan Moyo, and Minister of Justice Patrick Chinamasa) to consolidate their positions and "radicalize" the situation amid reports that their sole source of influence and power--President Robert Mugabe--may be contemplating retirement.

16. (U) Beatrice Mtetwa, Mudzuri's attorney, outlined the mayor's response to Chombo. Mtetwa said she would deliver a letter to Chombo today stating that he has no legal basis for suspending Mudzuri but that they would not take him to court over the matter. Mtetwa told us she is advising Mudzuri to not go to court because the likelihood that he would face a judge sympathetic to ZANU-PF was great. The objective is to force Chombo to prove his case rather than have Mudzuri prove his innocence. Elder ZANU-PF statesman, Eddison Zvobgo, who told the Ambassador that he had talked with Mudzuri about the suspension and informed Mudzuri that Chombo has no "reasonable grounds" as stated in the act for suspending Mudzuri. He counseled Mudzuri to file a petition with the High Court charging Chombo with overreaching his authority.

#### Comment

17. (C) The suspension of Mayor Mudzuri--a popular mayor who has had some successes in improving city services despite the ZANU-PF campaign to sabotage his efforts--is a transparent attempt to prevent the MDC's most prominent office-holder from delivering services effectively and thus further diminishing the ruling party's waning support in the capital city. Since other ZANU-PF tactics have not succeeded in dashing Mudzuri's popularity, ZANU-PF has ignored legal niceties in its attempts to unseat the mayor. Chombo probably intends to use a section of the Urban Councils Act to assemble a hand-picked committee assembled to "investigate" the allegations and determine that the President has grounds to dismiss the mayor.

18. (C) Mudzuri told the Ambassador that in spite of the suspension he would still like to attend the International Conference of Mayors in Denver in June and fulfill his prior Washington appointments. We strongly support this course of action. Given the clearly political nature of his suspension and the fact that this is only a suspension and not a dismissal, our maintaining USG sponsorship of this trip would send a strong signal of support for the MDC mayor at this difficult time. Chombo's machinations aside, it remains our view that Mudzuri is still the legally elected leader of this city. End Comment.

SULLIVAN